THE OPINION OF THE OREGONIAN EDITORIAL BOARD

WAYNE EASTBURN/THE REGISTER-GUARD

Eugene Mayor Les Anderson, Lane Air Pollution Authority director Vern Adkison and Oregon Gov. Tom McCall view the hazy conditions from atop Skinner Butte on "Black Tuesday" in August 1969.

Not another field burning study

State environmental regulators ignore Oregon history by denying Lane County's plea to halt the annual fires

Remember the Willamette Valley's infamous "Black Tuesday"?

You certainly do if you were in the Eugene-Springfield area on Aug. 12, 1969. On that Tuesday afternoon, smoke from burning grass seed fields blackened the skies over the metropolitan area so severely that Gov. Tom McCall was compelled to rush from Salem to see it for himself.

Standing on a butte in Eugene, McCall gazed out at the enshrouded city and dubbed it "the scene that can't be seen." He ordered an immediate 10-day moratorium on field burning, and the next Oregon Legislature mandated a permanent ban on it, effective in 1975.

Now, flash forward 38 years to August 2007. Willamette Valley farmers are still burning fields, and residents of the south end of the valley are still choking on smoke and mad as hell about it.

The tough actions of the McCall era turned out to be just tough talk, dissipated by four decades of aggressive lobbying by the grass seed industry. Meanwhile, public health advocates in Washington state and Idaho pushed successfully for bans on grass seed field burning, leaving Oregon as the only state in the Northwest that refuses to declare it to be the hazard it is.

Decades of studies have shown that the fine particulate matter in field smoke is harmful, and not just to people with respiratory illnesses. But guess what Oregon environmental regulators came up with last month when the Lane County Board of Commissioners demanded an immediate ban on field burning?

More studies.

Incredibly, in a series of unanimous votes, the Oregon Environmental Quality Commission rejected the ban and instead ordered agency officials to ask the Legislature to fund a new study of the effects of breathing smoke, and a study of possible alternatives to the annual burning of grass fields after harvest.

These questions have been studied to death in the nearly four decades since McCall stood on that butte in the middle of Eugene. Field smoke is indeed a health hazard, and economically viable alternatives to the burning of grass fields *do* exist, as reflected by the fact that most grass acreage in the Willamette Valley is no longer burned.

At the August hearing on Lane County's plea for a burning ban, some farmers made demeaning comments about Eugene residents behaving like "elitists" and "extreme radicals." Those growers should have to listen to one of their own neighbors, 68-year-old Carolyn Higgins, tell the story of being trapped briefly in her car, and then for hours in her rural Harrisburg-area home, by thick, sickening smoke from a nearby grass field.

That day, Aug. 30, 2007, was Higgins' "Black Thursday," says her daughter, Holly Higgins, who has moved out of the home temporarily to escape this season's remaining burning.

"We don't need another study in this state," she observes perceptively. "We need an end to field burning."

LAND-USE RULES

Listening to those lookers

It was wrong for the Oregon Legislature to suspend money for the Big Look task force, but it can undo the damage

It's a given in Oregon that whatever you say about the state's storied land-use system, you're going to get into trouble with someone. Praise it or rail against it, you're bound to antagonize.

Thus the Big Look task force, which was set up to take a fresh look at the state's planning rules, was almost certain to wind up making some Oregonians angry.

Even understanding that emotional context, though, it's still shocking to see how quick the Oregon Legislature was to pull the plug on the task force's funding. Why did legislators do this? Although it's hard to know for sure, it's disconcerting that a form of retaliation may have been involved. The group apparently wasn't headed exactly where some people wanted it to go, toward an uncritical embrace of the land-use system.

So the answer was to muffle the group? That heavy-handed approach turned a promising policy assessment into a terrible waste of time and money.

Although Measure 49 doesn't repeal 37 or even undo all its potential damage, it would curtail commercial and industrial developments and save a great deal of productive land.

In fact, the Big Lookers have made some forceful and pointed criticisms of the land-use system. And some of them may sting. As The Oregonian's Eric Mortenson recently reported, the group has even adopted a flat statement that "Oregon's land-use system should have a more explicit recognition of private property rights."

Ostensibly, the reason for pulling the plug is that the task force's larger review of land-use rules might have gotten lost in the campaigning this fall over Measure 49. That's the much-needed revision to the property-rights law, Measure 37, which voters approved in 2004.

Measure 37 has spawned at least 7,500 development claims, most of them on prime farmland. Although Measure 49 doesn't repeal 37 or even undo all its potential damage, it would curtail commercial and industrial developments and save a great deal of productive land. It would also fast-track small claims, providing the flexibility voters said they wanted when they approved Measure 37.

Suspending the Big Look task force during the back-and-forth about Measure 49 might seem to have some logic to it — a thin veneer, anyway. It's true that, in theory, the group could become distracted by the campaigning or waste time on land-use issues that the election, one way or the other, will resolve. More likely, though, is that Measure 49's proponents in the Capitol didn't want to fend off any sound bites the Big Look committee's work might have generated during the campaign.

In any case, there's no real reason to think that the task force would have allowed itself to become distracted. The task force could have soldiered on through the campaign season just fine.

Gov. Ted Kulongoski has said he was sorry to see the group's funding yanked, and that restoring it will be one of his top priorities in a special legislative session early next year. That's good as far as it goes. But of course all that would happen after the Measure 49 election.

Maybe someone thought the funding cut would keep the task force's work out of the campaign while preserving its valuable policy critique for later. We doubt it will work that way. Our guess is that opponents of Measure 49 will use what they already know of the task force's criticisms in the campaign *and* use the Legislature's meddling to discredit whatever good comes out of a restored, post-election committee.

A lose-lose, in other words, for anyone who wants something rational to emerge from the chaos of Measure 37. The Big Look task force was doing an important job. Doubtless, valid criticisms could be made of anything emerging from its work — assuming it is allowed to finish. Whatever political damage that might have been done by letting it work was more than surpassed by shutting it down.

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HOW TO CONTACT THE EDITORIAL STAFF

503-221-8150; EDITORIAL PAGE EDITOR: **Robert J. Caldwell,** bobcaldwell@news.oregonian.com;
ASSOCIATE EDITORS: **Rick Attig,** rickattig@news.oregonian.com; **Doug Bates,** dougbates@news.oregonian.com; **Mike Francis,** mikefrancis@news.oregonian.com; **Mary Pitman Kitch,** marykitch@news.oregonian.com; **Jonathan Nicholas,** jonathannicholas@news.oregonian.com; **Susan Nielsen,** susannielsen@news.oregonian.com; **David Reinhard,** davidreinhard@news.oregonian.com; **David Sarasohn,** davidsarasohn@news.oregonian.com;
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MEASURE 50

A shifty tobacco company? Who'd have guessed?

So far, the nice folks at Reynolds American — Joe Camel & Co. — have agreed to make one change in their TV ad against Measure 50, which would increase cigarette taxes to finance medical coverage for Oregon kids.

The line at the very end — "Paid for by Oregonians Against the Blank Check and Reynolds American Inc." — is being changed to make it clear that every dime paying for the ads arrives in an envelope postmarked North Carolina.

DAVID SARASOHN

So the ad now will say that although all the money for the ads comes directly from Reynolds American Inc., the ads are "approved" by Oregonians Against the Blank Check, an Oregon group that Reynolds American Inc. created last month. Apparently, it would have been too complicated for the credit line to read, "Paid for by Reynolds American Inc. and Oregonians Against the Blank Check, a subsidiary of Reynolds American Inc."

This leaves open some other claims in the ad, which asserts that most of the money wouldn't go for children's health care — because a hunk of the money would be kept in reserve to see how much the program costs. Mark Nelson, spokesman for the campaign against the initiative, argues that although most of the extra cigarette taxes collected would go directly into the Healthy Kids Fund, the measure itself appropriates $43.4 million of it, while the Legislature would have to approve transferring another $65 million from the fund for the program.

So even though about 85 percent of the money from the tax would go into the Healthy Kids Fund, that doesn't fool Reynolds American.

The ad also warns that the money would be spent without competitive bidding — which Nelson explains means that the state sets a price and asks which health care providers will accept it, rather than asking providers how much they would charge.

It's also true that when you go to the doctor with a heavy cough, you don't usually collect several estimates.

Cigarette companies, of course, are known for having their own unique relationship to the truth, which often gets them into trouble with congressmen and juries who just can't take a joke. Issues keep coming up about the companies' thinking on the impact of nicotine, on whether they're marketing to young smokers, on whether they really think secondhand smoke is good for you.

But to Joel Spivak, a spokesman for the Campaign for Tobacco-Free Kids in Washington, D.C., Reynolds American, Inc. — a recent merger of R.J. Reynolds and Brown & Williamson — is special in its attitude, qualifying for the term "corporate sociopath."

It's not exactly a compliment, although it does carry a certain amount of awe.

"The reason I identify them as a sociopath is that they have no sense of propriety," says Spivak. "They do it, you can sue them, and they'll do it again.

"At least Philip Morris has gotten some sophistication about it."

When the Campaign for Tobacco-Free Kids ranks you below Philip Morris, it's not a recommendation you want to put on your corporate stationery.

Spivak was thinking about things like the findings of fact in the U.S. Department of Justice's recent lawsuit against the cigarette companies, which reported that "the courts have found that (R.J. Reynolds) is a serial violator of the MSA," the Master Settlement Agreement between the companies and the states.

To the Campaign for Tobacco-Free Kids, this attitude also surfaces in the company's extensive political activities. In 2006, R.J. Reynolds said it would spend $40 million against unfriendly state initiatives. Facing measures in Arizona and Ohio requiring smoke-free workplaces and public places, R.J. Reynolds went after them with deceptively named competitive initiatives that actually rolled back existing laws and banned new ones. Those measures were named Arizona Non-Smoker Protection Act and Smoke Less Ohio.

Next to those, a Reynolds American operation called Oregonians Against the Blank Check sounds almost like full disclosure.

But opposition to expanding the Healthy Kids program doesn't mean that Reynolds American has no interest in kids.

In 2004, R.J. Reynolds introduced "Warm Winter Toffee" and "Winter Mocha Mint" candy-flavored cigarettes, to follow flavors such as Kauai Kolada and Twista Lime, advertising them in magazines with considerable teen readership. In October 2006, the company reached an agreement with several state attorneys general, who are no fun, to stop marketing the cigarettes.

So you could say the company has its own kids' health program.

You could say that Reynolds' ads against Measure 50 offer a rich, evocative aroma and a deep, thick mouthful of smoke.

You could also say that you recognize the smell.

David Sarasohn, associate editor, can be reached at 503-221-8523 or davidsarasohn@news.oregonian.com.